

DEC 23 1974

Ms. Charlotte J. Read, President
Porter County Chapter
Izaak Walton League of America
M. R. Box 433
Chesterton, Indiana 46304

Dear Ms. Read:

This is in further response to the questions you raised at the November 26, 1974 Public Hearing which was held in Indianapolis to consider Indiana's application to administer the National Pollutant Discharge Elimination System permit program. As you recall responses were made by the U. S. Environmental Protection Agency (U.S. EPA) at that hearing and further responses were sent to you subsequently by the Indiana Stream Pollution Control Board's staff.

In regard to your question about the diked disposal area south of Gary Harbor, U. S. EPA has submitted comments to the U. S. Army Corps of Engineers for the Maintenance and dredging at the U. S. Steel Company Gary Works Plant, Gary, Indiana and for the maintenance, new dredging and placement of riprap at the South Works Plant, Chicago, Illinois. A copy of our April 23, 1974 letter commenting on the Gary Works and our August 19, 1974 letter commenting on the South Works are enclosed for your information. We believe that if there is compliance with the requirements specified in our two letters, the waters of Lake Michigan will be protected. We are asking our Surveillance and Analysis Division to look into this matter to determine if EPA monitoring of this site is necessary. You will be informed of their evaluation after we receive their report.

*Ron, Harry,
what is
being
done
on
this?*

SPC-15, Part III.

Section 8(a): The U.S. EPA regulations require the posting of public notice or its advertisement in a newspaper of general circulation in the geographical vicinity of the discharge. While we share the frustration of those who depend on the mailing of public notices it does comply with applicable Federal regulations. However, it may not be compatible with a fully functional program of public participation as contemplated

Don

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by 40 CFR 105. This is an area within which we have urged the State to review their present policies. As was stated at the hearing, U.S. EPA has committed itself to handling public notice of all permits during the first three months of any NPDES permit program administered by Indiana.

Section 19: The State's policy is compatible with Federal regulations but some States have gone further by noting such noncompliance in their newsletters or by other means of public communication.

Burns Harbor:

What has been described as "maximum feasible" control technology has never been defined by an Act of the legislature, nor any regulation of an administrative agency, nor any court order. Whether it constitutes Best Practical Technology or Best Available Technology or something other than either may prove to be an issue only resolvable in a court of law. Different standards may be applicable to public rather than industrial dischargers. The permits have and will be drafted to meet the most stringent of applicable limitations.

We hope that this has served to clarify any remaining questions. We appreciate the effort and attention you have devoted to this program and hope to count on your continuing participation in water pollution control.

Very truly yours,

ORIGINAL SIGNED BY JAMES O. McDONALD

James O. McDonald, Director
Enforcement Division

Enclosures
As Stated

cc: Mr. Ralph Pickard, Indiana State Board of Health w/encs

bcc: R. Emmett
L. Barsamian
H. Balikov
A. H. Manzardo

S& A Division w/ltrs from Ms. Read dtd 11/19/74 & 12/3/74
Federal Activities Branch w/ltrs from Ms. Read dtd 11/19/74 & 12/3/74 ✓